Approved For Release 2001/08/27 : CIA-RDP57-00384R000400090018-2

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Security Information

Subject
AS-4033
314 E
Foreign Service

OGC Has Reviewed

20 March 1953

Special Contracting Officer

Office of General Counsel

Staff Agents; Provision in Standard Letter of Instructions Respecting Minimum Service Overseas.

1. You have informally asked our opinion whether it is legally proper to insert a provision in the standard letter of instructions to staff agents requiring, on the occasion of each appointment to an overseas post of duty, that the individual agree to remain at least twelve months from the date of his arrival at his overseas post or refund the cost of travel and transportation of his effects to the Agency and at least twenty-four months from his arrival or pay on his own for his return travel and for the shipment of his effects. Draft samples of such a provision for the staff agent letter and staff employee's agreement for overseas services are attached hereto. In our opinion, these provisions are entirely proper.

2. An opinion of the Comptroller General reported in 27 Comp. Gen. 70 states in part at page 72:

> "The provisions of Section 7 of Public Law 600, . . ., respecting agreements to remain in the Government service for twelve months following appointment may be considered as prescribing a minimum period; and, therefore, it is within the discretion of the various departments and agencies to prescribe such longer periods as may be deemed appropriate with respect to the payment of travel and transportation expenses either in going to or returning from a foreign duty post."

3. Although the quoted passage refers to assignment of new appointees to overseas posts of duty, there is no ascertainable limitation upon the Agency's authority to require minimum service agreements from those who are not new appointees, but who are being assigned for a second or subsequent overseas tour. Such agreements can reasonably be contemplated as within the permissible power of regulation given the Director under the preamble of Section 5(a) of the Central Intelligence Agency Act of 1949.

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OGC/GHL:apf

Distribution:
Orig - Addressee
1 [redacted]
5 - OGC

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allachments